



AGENDA
COMMISSION ON THE ENVIRONMENT
Wednesday, February 17, 2021
6:00 PM – Remote Access Only

NOTICE OF REMOTE ACCESS ONLY

In accordance with the current Santa Cruz County Health Order outlining social distancing requirements and Executive Order N-29-20 from the Executive Department of the State of California, the Commission on the Environment meeting is not physically open to the public and in person attendance cannot be accommodated.

To join Zoom:

- Join the Zoom Meeting with the following link:

<https://us02web.zoom.us/j/85166684914?pwd=RHVvYkZ2cUZGemtOK1QyNEd4eEUwdz09>

- If prompted for a passcode, enter: 871182
- -OR_ With a landline or mobile phone, call one of the following numbers:

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

- Enter the meeting ID number: 851 6668 4914

To comment via email:

Comments and additional material may be sent to the Commission via dpw@ci.capitola.ca.us by 12NOON on the day of the meeting for distribution to Commission members.

AGENDA

CALL TO ORDER AND ROLL CALL

Commissioners: Cathlin Atchison, Bryce Ebrahimian, Michelle Beritzhoff-Law, Meredith Keet, Margaux Keiser, Peter Wilk

WRITTEN COMMUNICATIONS *(No action may be taken)*

All correspondence received prior to 12 NOON on the day of the meeting will be distributed to the Commissioners to review. The Committee Members may not discuss Written Communications to any significant degree but may request issues raised be placed on a future agenda.

APPROVAL OF MINUTES - None

OTHER BUSINESS

1. Elect Chair and Vice-Chair
2. 2021 Meeting Schedule
3. Work Plan
4. Gas Powered Leaf Blower Ban

ITEMS FOR FUTURE AGENDAS

ADJOURNMENT to May ____, 2021

Notice: The Commission on the Environment meets quarterly (February, May, August, November) at 6:00 PM in the Community Room located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The Commission on the Environment Agenda is available on the City's website: www.cityofcapitola.org/ on Friday prior to the Wednesday meeting. If you need additional information please contact the Public Works Department at (831) 475-7300.

Americans with Disabilities Act: Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk's office at least 24-hours in advance of the meeting at 831-475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

**CITY OF CAPITOLA
COMMISSION ON THE ENVIRONMENT
Agenda Report**

Meeting Date: February 17, 2021

Agenda Item: 2

Subject: 2021 Meeting Schedule

The Commission on the Environment has met quarterly on the second Wednesday of the month at 6:00 PM. In accordance with the current Santa Cruz County Health Order outlining social distancing requirements, meetings are not physically open to the public, therefore providing flexibility in setting the 2021 meeting schedule. The following is the current schedule.

Meeting Schedule:

May 12, 2021

August 11, 2021

November 10, 2021

**CITY OF CAPITOLA
COMMISSION ON THE ENVIRONMENT
Agenda Report**

Meeting Date: February 17, 2021

Agenda Item: 3

Subject: 2021 Work Plan

In previous years the COE has developed work plans to identify topics, projects, and strategies that would be the basis of advice and recommendations to the City Council on policy matters relating to sustainability, environmental protection, and resource enhancement which benefit the City of Capitola.

Utilizing the list of work items from previous years and developing new work items, the commission should focus on prioritizing the work items, identify realistic goals, and discuss strategies for competing items.

Previous work items:

- ♦ Soquel Creek/Peery Park Riparian Restoration – Initial permitted work 100% complete; continued maintenance. Potential expansion of invasive species removal by enlarging the restoration area adjacent to the Bay Avenue managed riparian area. Consider utilizing funding from the Community Development Tree Fund.
- ♦ Native Milkweed Campaign
Develop informational flyer and post on city website. Distribution of donated native milkweed seeds.
- ♦ Climate Action Plan Assistance
Consult with Community Development Department to identify specific reduction measures for ongoing or potential implementation
- ♦ Restaurant ordinance informational guide/leaflet
Develop an informational guide for distribution to restaurants regarding Capitola regulations

New work items:

**CITY OF CAPITOLA
COMMISSION ON THE ENVIRONMENT
Agenda Report**

Meeting Date: February 17, 2021

Agenda Item: 4

Subject: Gas Powered Leaf Blower Ban

The City Council has asked the commission to advise the Council on consideration of prohibiting gas-powered leaf blowers in the city.

In August 2007 the Capitola City Council adopted an ordinance to restrict the use of leaf blowers in residential areas and commercial areas. Capitola joined about 100 other cities in California restricting the use of leaf blowers. The current ordinance provides the following:

In residential areas

- Permits the use of leaf blowers Monday – Friday, 8AM – 5PM and weekends, 10AM – 4PM
- Requires use of leaf blowers that do not exceed noise levels of 65dBA
- Prohibits using a leaf blower to blow debris onto adjacent property
- Requires leaf blowers to be in proper working order
- Requires leaf blowers to include all manufacturer's noise, emission & dust control equipment
- Requires all debris after leaf blower use to be disposed of in trash, compost or green waste receptacles
- Prohibits operation of leaf blowers that would deposit debris inside windows, doors, vehicles or other openings

In commercial areas

- On private commercial and industrial property, mechanical sweeping devices, parking lot vacuum machines and leaf blowers may be used between the hours of 7AM – 11PM, seven days a week.

The full text of the ordinance is attached for your information.

Leaf blowers provide positives for the community in the form of reduced landscape maintenance costs for residents and commercial/industrial areas, decreased usage of water to perform cleaning of hardscape areas and decreased polluted runoff to the creeks and ocean. However, gas-powered blowers create significant noise and exhaust and sediment impacts; and can create unintentional blowing of debris into windows and onto public and private property.

Leaf blowers emit dangerous carbon dioxide levels, excessive noise and blow loose debris, pesticides and heavy metals into the air that can affect breathing. Gas-powered leaf blowers have been discouraged or prohibited in many communities due to their emission of toxic air pollutants.

There are no cities within Santa Cruz County that have an ordinance prohibiting gas-powered leaf blowers. Currently there are more than 20 cities in California that prohibit portable gasoline engine powered blowers. An example ordinance from the City of Carmel, the City of Los Gatos and the City Belvedere are attached. Some jurisdictions only regulate gas blowers in residential areas, while other ban them citywide.

It is recommended that the Commission consider recommending to the City Council that they hold a public hearing to receive community input and consider possible changes to the existing ordinance.

Attachments:

- City of Capitola Ordinance
- City of Carmel Ordinance
- City of Los Gatos Ordinance
- City of Belvedere Ordinance
- List of Leaf Blower Regulations in California

Capitola Municipal Code

9.12.015 Regulations pertaining to mechanical sweeping devices, parking lot vacuum machines and leaf blowers.

A. On private property which does not have a residential zoning designation, mechanical sweeping devices, parking lot vacuum machines and leaf blowers may be used exterior to any structure only between the hours of seven a.m. and eleven p.m. on any day of the week within the city.

B. On private property which has a residential zoning designation leaf blowers may be used only between the hours of eight a.m. and five p.m. on weekdays and between the hours of ten a.m. and four p.m. on Saturday and Sunday.

C. No person shall operate any leaf blower which does not bear an affixed manufacturer's label indicating the model number of the leaf blower and designating a noise level not in excess of sixty-five dBA when measured from a distance of fifty feet utilizing American National Standard Institute methodology. Any leaf blower which bears such a manufacturer's label shall be presumed to comply with any noise level limit of this subsection provided that it is operated with all mufflers and full extension tubes supplied by the manufacturer for that leaf blower. No person shall be found in violation of this subsection until one year after its adoption to allow reasonable time to purchase leaf blowers that comply with these standards.

D. Leaf blower operations shall not cause leaves or other debris to be blown or deposited on any private property other than the parcel, land, or lot upon which the leaf blower is being operated. Notwithstanding the foregoing, a person shall not be in violation of this subsection if he or she, with the consent of the other property owner, removes any such blown leaves or debris within one hour of deposit and disposes of the debris in a sanitary manner which will prevent dispersment by wind, vandalism, or similar means.

E. Leaf blowers shall be in proper working order and all the manufacturer's noise, emission and dust control equipment on the leaf blower shall remain on the leaf blower and be in sound operating condition.

F. After leaf blower use, debris shall be disposed of in trash, compost or green waste receptacles.

G. Leaf blowers shall not be operated in close proximity to any operable window, door, mechanical air intake opening or duct of any building, or parked vehicle so as to deposit debris within or upon such window, door, opening, duct or vehicle unless the operator of the leaf blower has the permission of the building's occupant or the vehicle's owner.

H. The operator of the leaf blower, mechanical sweeping device or parking lot vacuum machine shall be subject to the requirements of this section and responsible for any violations of this section. (Ord. [921](#) § 1, 2007; Ord. [909](#) § 2, 2006)

City of Carmel

8.56.080 Combustion Engine Blower.

The operation of a combustion engine blower for the purpose of displacing, removing or blower any materials from or about public or private property in a manner which allows the engine to be heard on public property or causes the materials to be blown into the air in a manner which allows them to settle on public property or on private property not belonging to the same owner of the property on which the blower is being operated is declared to be a public nuisance and unlawful. (Ord. 92-17 § 1, 1992; Ord. 80-4 § 1, 1980; Code 1975 § 699.70).

City of Los Gatos

Sec. 16.20.060. - Powered equipment.

- (a) Gasoline leaf blowers shall be prohibited from use in all residential, commercial, and industrial zones or public space.
- (b) Electric leaf blowers in excess of sixty-five (65) decibels shall be prohibited from use in all residential, commercial, and industrial zones or public space, measured fifty (50) feet from the source.
- (c) Miscellaneous nonstationary noise sources such as; electric or gasoline lawn mowers, electrical leaf blowers, edge trimmers, hedge trimmers and other similar moveable noise sources shall be operated only during the hours of 8:00 a.m. to 5:00 p.m. weekdays and 9:00 a.m. to 4:00 p.m. weekends in residential, commercial, industrial, public spaces or noise sensitive zones. Leaf blower use is prohibited on Sundays and holidays.
- (d) The provisions of this section shall not apply to emergency work as defined in article I of this chapter.
- (e) Powered toys and models. No person shall operate or permit to be operated any powered toy or model, as defined in article I of this chapter, so as to cause a noise disturbance across a residential property plane or violate the limitations and provisions of this chapter.

(Ord. No. 1852, § II(11.30.060), 5-20-91; Ord. No. 2231, 6-2-14)

Sec. 16.20.070. - Enforcement and violation—Penalty.

- (a) The Town Manager, or his or her designee, has primary responsibility for enforcement of this chapter. The Town Manager is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter, including, but not limited to, investigating violations, and issuing fines.
- (b) If the Town Manager or his or her designee determines that a violation of this chapter has occurred, he /she will issue a written warning notice that a violation has occurred and the potential penalties that will apply for future violations.
- (c) The violation of any provision contained in this chapter, is hereby declared to be unlawful and any person or entity found to be in violation shall be guilty of an infraction, which shall be punishable by a fine not exceeding five hundred dollars (\$500.00).
- (d) The remedies provided in this subsection are not exclusive, and nothing in this subsection shall preclude the use or application of any other remedies, penalties or procedures established by law.

(Ord. No. 2231, 6-2-14)

ARTICLE III. - EXEMPTIONS

Sec. 16.30.010. - Exemptions.

- (a) *Safety devices.* Aural warning devices which are allowed by law to protect the health, safe and welfare of the community such as, fire, burglar, police and ambulance sirens and train horns, shall be exempted from this chapter.
- (b) *Emergencies.* Emergencies and emergency work shall be exempted from this chapter.
- (c) *Town maintenance.* Nonstationary powered equipment, including but not limited to street sweepers, landscaping maintenance equipment, construction equipment and other powered equipment used solely for the purpose of improving the quality of life within the Town, used by employees or agents of the Town, shall be exempt from the provisions of this chapter.

(Ord. No. 1852, § II(11.40.010), 5-20-91)

City of Belvedere

Chapter 8.10

NOISE

Sections:

- 8.10.010 Purpose.
- 8.10.020 Prohibition against excessive noise.
- 8.10.030 Prohibition against portable gasoline engine powered blowers.
- 8.10.040 Prohibited noise generation.
- 8.10.050 Prima facie violations during quiet time.

8.10.010 Purpose. It is hereby declared to be the policy of the City of Belvedere, in the exercise of its police power, to protect the peace, health, safety and general welfare of the citizens of Belvedere from excessive, unnecessary and unreasonable noises. The provisions of this Chapter and the remedies contained in this Code shall be cumulative and are not intended to replace any otherwise available remedies for public or private nuisances, nor any other civil or criminal remedies otherwise available. In addition, the regulations contained herein are not intended to substitute for any noise analysis conducted as a part of the City's environmental review process for discretionary permit approvals, nor is it intended to limit more strict noise control requirements for discretionary permit approvals should more strict measures be found to be necessary in order to maintain noise levels that are not detrimental to the health and welfare of the citizens of the City. (Ord. 2006-3 § 3 (part), 2006.)

8.10.020 Prohibition against excessive noise. It is unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, and it is unlawful for any person in ownership or control of any premises to knowingly permit a violation of this section upon said premises. (Ord. 2006-3 § 3 (part), 2006.)

8.10.030 Prohibition against portable gasoline engine powered blowers. It is unlawful for any person within the City limits at any time to operate any portable machine powered with a gasoline engine used to blow leaves, dirt and other debris off sidewalks, driveways, lawns or other surfaces. (Ord. 2006-3 § 3 (part), 2006; Ord. 87-3 § 1 (part), 1987.)

8.10.040 Prohibited noise generation. Loud, unnecessary or unusual noises prohibited by Section 8.10.020 shall include, but not be limited to, the following:
A. Radios, stereo equipment, musical instruments, amplified sound, etc. Using, operating, or permitting to be used or operated any radio, stereo, musical instrument, amplifier, or other machine or device for the producing or reproducing of sound, in such manner as to disturb the peace, quiet and comfort of a reasonable person

of normal sensitivity residing in the area, or at any time at a louder volume than is necessary for convenient hearing for the person or persons in the structure, vehicle or premises in which such machine or device is operated and who are voluntary listeners thereto;

B. Power and construction tools. Using, operating or permitting to be used or operated, any power tool or construction tool in such manner as to unreasonably disturb the peace, quiet and comfort of a reasonable person of normal sensitivity residing in the area. Notwithstanding the foregoing, the use of power or construction tools in connection with a valid building permit issued by the City shall be subject to the terms and conditions and laws applicable to that permit;

C. Yelling, shouting, etc. Yelling, shouting, hooting, whistling, or singing so as to annoy or disturb the quiet, comfort, or repose of persons residing in the vicinity. (Ord. 2006-3 § 3 (part), 2006.)

8.10.050 Prima facie violations during quiet time. The conduct of any loud, unnecessary or unusual noises prohibited by section 8.10.020 between the hours of 9 p.m. and 7 a.m. Sunday through Thursday and 11 p.m. to 7 a.m. Friday and Saturday in such a manner as to be plainly audible at a distance of fifty (50) yards from the structure, vehicle, or premises in which it is located shall be prima facie evidence of a violation of this Chapter. (Ord. 2006-3 § 3 (part), 2006.)

List of Leaf Blower Regulations in California
 For reference only, city/county laws may have changed

STATE	CITY	Complete Gas Blower Ban	Seasonal Gas Blower Ban (In most cases gas blowers are only allowed in the Fall)	Noise and/or Time of Day Restrictions (Users may be restricted to use low noise gas units that are <70 dB or <65 dB. Others may be restricted to certain hours of the day—in some cases, restricted to use their blower one day per week.)	Complete Gas and Electric Blower Ban
CA	Albany			✓	
CA	Alhambra			✓	
CA	Aracadia			✓	
CA	Artesia			✓	
CA	Belvedere	✓			
CA	Berkley	✓			
CA	Beverly Hills	✓			
CA	Burbank			✓	
CA	Burlingame			✓	
CA	Calexio			✓	
CA	Capitola			✓	
CA	Carmel	✓			
CA	Cerritos			✓	

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CA	Claremont	✓			
CA	Corona Del Mar			✓	
CA	Costa Mesa			✓	
CA	Culver City			✓	
CA	Cypress			✓	
CA	Dana Point			✓	
CA	Davis			✓	
CA	Del Mar				✓
CA	Downey			✓	
CA	El Segundo			✓	
CA	Emeryville			✓	
CA	Foster City			✓	

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CA	Fountain Valley			✓	
CA	Gardena			✓	
CA	Glendale			✓	
CA	Hawaiian Gardens			✓	
CA	Hermosa Beach				✓
CA	Huntington Beach			✓	
CA	Indian Wells	✓			
CA	Indio			✓	
CA	Irvine			✓	
CA	LaCanada			✓	
CA	Laguna Beach				✓

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CA	Las Angeles			✓	
CA	Lawndale	✓			
CA	Lomita			✓	
CA	Long Beach			✓	
CA	Los Altos	✓			
CA	Los Angeles			✓	
CA	Los Gatos	✓			
CA	Malibu	✓			
CA	Manhattan Beach				✓
CA	Manteca			✓	
CA	Mill Valley	✓			
CA	Monrovia			✓	

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CA	Monterrey Park			✓	
CA	Newport Beach	✓			
CA	North Hempstead			✓	
CA	Norwalk			✓	
CA	Ojai	✓			
CA	Orange			✓	
CA	Orinda			✓	
CA	Palm Desert			✓	
CA	Palo Alto	✓			
CA	Palos Verdes Estates			✓	
CA	Pasadena			✓	
CA	Piedmont	✓			

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CA	Portola Valley			✓	
CA	Redondo Beach			✓	
CA	Richmond			✓	
CA	Rohnert Park				
CA	Rolling Hills Estates			✓	
CA	Sacramento			✓	
CA	San Anesimo			✓	
CA	San Diego			✓	
CA	San Dimas			✓	
CA	San Fernando			✓	
CA	San Marino			✓	

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CA	Santa Barbara	✓			
CA	Santa Clara			✓	
CA	Santa Fe Springs			✓	
CA	Santa Monica				✓
CA	Saratoga			✓	
CA	Sebastapol			✓	
CA	Sierra Madre			✓	
CA	Solana Beach	✓			
CA	Sonoma			✓	
CA	St. Helena			✓	
CA	Sunnyvale			✓	
CA	Tiburon	✓			

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CA	West Hollywood	✓			